



September 2, 2022

Via ECF

The Honorable Stewart D. Aaron
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

ENDORSEMENT: The parties are directed to submit a further report on the status of discovery by October 21, 2022.
SO ORDERED. Dated: 9/2/2022

A handwritten signature in blue ink, appearing to read "Stewart D. Aaron".

Re: *In re ACTOS Antitrust Litig.* (1:13-cv-09244-RA-SDA)

Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation in accordance with the Court's July 15, 2022 Order directing the parties to file a joint letter regarding the status of discovery, (ECF No. 389).

Since our last status letter, the parties have continued to discuss the sufficiency of their document productions. In response to those discussions, additional productions have been made. Defendants have indicated their intent to produce additional documents in the coming weeks. Certain Plaintiffs have also indicated their intent to make additional productions.

The parties have continued discussing a deposition protocol, and despite largely reaching agreement, certain provisions have proven to be sticking points. The parties expect to present their competing versions of the protocol shortly for Court resolution.

Separately, the parties have engaged in lengthy discussions concerning Defendants' privilege waiver. After reaching impasse, earlier this week Plaintiffs filed a motion seeking resolution of this dispute. (ECF No. 394.)

Plaintiffs continue to review Defendants' privilege logs and anticipate there may be further privilege challenges beyond those related to the scope of Defendants' privilege waiver. The parties also continue to pursue third-party discovery pursuant to Federal Rule of Civil Procedure 45.

Unless the Court desires otherwise, the parties propose to submit a further report on the status of discovery by October 21, 2022. We appreciate Your Honor's attention to this matter.

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Sincerely,

/s/ Steve D. Shadowen

Steve D. Shadowen
Counsel for the Proposed End-Payor Class

/s/ Thomas M. Sobol

Thomas M. Sobol
Counsel for the Proposed Direct Purchaser Class

/s/ R. Brendan Fee

R. Brendan Fee
Counsel for Defendants

cc: Counsel of record (via ECF)